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Letter dated 23 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Dominica submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-75878 (E) 090103

Annex

Note verbale dated 18 December 2002 from the Permanent Mission of Dominica to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Dominica to the United Nations presents his compliments to the Chairman of the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) and has the honour to submit herewith the report prepared by the Government of Dominica pursuant to paragraph 6 of the above-mentioned resolution (see enclosure). The annexes to the report will be sent under separate cover shortly.

The Government of Dominica stands ready to provide the Committee with further reports or information, as necessary.

Enclosure

Report on the implementation of United Nations Security Council resolution 1373 (2001)

Submitted by

the Government of the Commonwealth of Dominica

**to the United Nations Security Council
Counter-Terrorism Committee**

December 2002

INTRODUCTION

The terrorist and attacks on the World Trade Center in New York City and on the Pentagon in Washington, DC on September 11, 2001 received the overwhelming condemnation of the people of the Commonwealth of Dominica. Dominica was among the eighty countries directly affected by the attacks on the World Trade Center, in which one of its nationals was killed.

The Government of the Commonwealth of Dominica expressed its unequivocal condemnation of the terrorist attacks and stressed that no cause can ever justify the use of violence as a means of settling disputes, or legitimize destruction of innocent lives.

The Commonwealth of Dominica has pledged to cooperate fully with the International Community, in accordance with international law and Conventions, in the quest to respond to this threat to international peace and security, has fully supported all United Nations General Assembly resolutions. It has also supported resolutions at the Organization of American States condemning the attack on the United States.

The events of September 11, 2001 have had an immediate and far-reaching impact on two sectors of Dominica's economy, namely tourism and financial services. In response the Government of the Commonwealth of Dominica has implemented a program of economic stabilization to mitigate the effects of the crisis. In addition, on-going discussions are taking place among Ministers of Finance of CARICOM on the elaboration of a comprehensive assistance package for presentation to international finance institutions. So far, Dominica is the first beneficiary of assistance from sister CARICOM states to help in the comprehensive restructuring of its economy.

This report represents the response of the Government of the Commonwealth of Dominica to the mandates of United Nations Security Council Resolution (UNSCR) 1373. To demonstrate its commitment to cooperation with the rest of the international community in the fight against terrorism and trans-national crime, the Government of the Commonwealth of Dominica appointed an inter-agency Task Force to ensure that legislative and administrative measures are implemented to give effect to the resolution.

The Task Force is comprised of officials from the Ministries of Foreign Affairs, Trade and Marketing, Legal Affairs, Immigration and Labour, Finance and Planning, Communications and Works, as well as the Commonwealth of Dominica Police Force. Included in the mandate of the Task Force are the monitoring of implementation of actions to counter terrorism, and responsibility for preparation of reports to the Counter-Terrorism Committee of the Security Council on actions taken at the national level with respect to implementation of UNSCR 1373 in the Commonwealth of Dominica. This report identifies measures already in place in Dominica as well as actions contemplated for effective implementation of UNSCR 1373.

LEGISLATION

The Commonwealth of Dominica has already enacted the following pieces of legislation, which underscore Dominica's commitment to co-operate with the international community in fighting money laundering and other criminal activities. The relevant pieces of legislation are:

- The Extradition Act 1981 (Chap 12:04)
- The Drug Prevention of Misuse Act 1988 (Chap. 40:07)
- The Mutual Legal Assistance in Criminal Matters Act 1990
- The Banking Act of 1991
- The Proceeds of Crime Act, 1993
- The International Business Companies Act of 1996
- The Offshore Banking Act of 1996
- The Money Laundering (Prevention) Act, 2000
- The Exchange of Information Act (2002)

IMPLEMENTATION OF UNSCR 1373

PARAGRAPH 1

(a) **Measures to Prevent and Suppress the Financing of Terrorist Acts**

The Government of the Commonwealth of Dominica is committed to enhancing its capability to prevent and suppress the financing of any terrorist activity of which it has knowledge. The Government of the Commonwealth of Dominica intends to enact appropriate legislation to give effect to the United Nations Security Council Resolution 1373 and the International Convention for the Suppression of Financing of Terrorism adopted by the United Nations General Assembly in Resolution 54/109 of 9th December, 1999.

The Office of the Attorney General, on the recommendation of the Cabinet and Task Force, drafted a Bill entitled "**the Suppression of Financing of Terrorism Bill 2001**". This Bill makes the collection of funds for criminal purposes an

offence, provides for the freezing or seizure of funds, specifies that any person, company or entity who wilfully collects funds with the intention of furthering terrorist objectives to be suspect in the commission of an offence, empowers the Commissioner of Police to investigate the commission of an offence, and empowers the Director of Public Prosecution to prosecute offenders.

The Banking Act of 1991 and the Offshore Banking Act of 1996 provides a regulatory framework for financial institutions. Specifically, where a financial institution is suspected of assisting in the commission of an offence, its license would be cancelled without prejudice to any punishment that may be imposed on any person involved in the commission of the offence.

In preparation for submission to the Dominica Parliament before the end of 2002, the draft **"Suppression of Financing of Terrorism Bill"** was being reviewed to address the following issues:

- Criminalization of the act of terrorism
- Proscribing terrorist and terrorist organisations
- Reporting of suspicious financial transactions regarding terrorists and terrorist organisations

The **Suppression of Financing of Terrorism Bill** was tabled at the December 10, 2002 session of Parliament, and the general debate on this bill will take place at the first sitting of Parliament in 2003.

(b) Offences and Penalties in Dominica for Terrorist Activities

The referenced Bill imposes penalties, in the case of a person, of (EC) one hundred thousand dollars or imprisonment for a period of twenty-five years. In the case of a company, a fine of (EC) five hundred thousand dollars would be imposed without prejudice to any penalty that may be imposed on individuals. In addition, the penalty could be in the form of forfeiture of the funds collected or retained. In the case of a financial institution, its license would be liable for cancellation.

(c) Legislation and procedures to freeze accounts at banks and financial institutions

Section 10 (3) of the **Offshore Banking Act** empowers the Financial Secretary (if he suspects any illegal activity) to apply to the Magistrate to obtain records from a financial institution, and, where there is evidence of illegal activity, the Attorney General is empowered to take appropriate action with the approval of the Court. Legislation and procedures to freeze accounts at banks and financial institutions are also contained in the **Money Laundering Prevention Act. No. 20 of 2000** and the **Proceeds of Crime Act. No. 4 of 1993.**

Among the entities created through the implementation of the Money Laundering Prevention Act is a Financial Intelligence Unit (FIU). The FIU has a broad mandate to gather information on financial transactions.

PARAGRAPH 2

(a) What legislation or other measures are in place to give effect to this subparagraph? What offences in Dominica prohibit (1) recruitment to terrorist groups and (2) supply of weapons to terrorist? What other measures help prevent terrorist activities?

Dominica's commitment to the fight against international terrorism precludes it from providing any form of support, active or passive to entities or persons involved in terrorist acts. Dominica is not an exporter of arms and therefore is not engaged in supplying arms to terrorists.

(b) Early warning mechanisms to allow exchange of information with other states.

The need for the Exchange of Information with other states was realized as far back as May 1990, with the enactment of the **Mutual Assistance in Criminal Matters Act Chap. 12:19.** Additionally, an **Exchange of Information Act** was passed in Parliament on January 27, 2002. Early warning mechanisms are being developed under the direction of the Task Force to prevent the commission of terrorist acts.

The Financial Intelligence Unit (FIU) of the Ministry of Finance and Planning, established in 2001, conducts regular surveillance on financial activity in the on-shore and offshore financial sectors.

(c) What legislation exists to deny safe haven to terrorists?

No legislation currently exists to deny safe haven to terrorists. However, the Suppression of Financing of Terrorism Act will adequately address this matter. All extradition matters are presently addressed under the aegis of the *Extradition Act of 1981.*

(d) What legislation or procedures exist to prevent terrorists acting from Dominica against other states or citizens?

No legislation or procedures currently exist to deal with this matter. The **Suppression of Financing of Terrorism Act** will address this.

(e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of the terrorist acts?

The drafting of the **Suppression of Financing of Terrorism Act** is a pro-active step taken by the Government of Dominica to establish terrorist acts as serious criminal offences and ensure that punishment reflects the seriousness of terrorist acts.

(f) Procedures and mechanisms are in place to assist other states

The **Mutual Legal Assistance in Criminal Matters Act 1990, the Proceeds of Crime Act 1993, and The Money Laundering (Prevention) Act 2000**, provides for assistance to other states.

(g) How do border control in the Commonwealth of Dominica prevent movement of Terrorists? How do procedures relating to issuances of identity papers and travel documents support this? Measures to prevent their forging.

Under section 5 (1) (d) of the Immigration and Passport Act Chapter 18:01, any person who, not having received free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed, and who for this appears to be an undesirable immigrant would be treated as a prohibited immigrant and would not be allowed to enter the Commonwealth of Dominica.

The effectiveness and level of border control is determined by the resources available to the Commonwealth of Dominica Police Force (Immigration and Coast Guard) and the Customs.

Presently passports are issued to non-nationals under the Economic Citizenship Programme. Personnel of the Ministry of Legal Affairs, Immigration and Labour are to ensure the eligibility of applicants before any passports are issued.

Passports are also issued through Registration to persons who become citizens of the Commonwealth of Dominica after residing in the State over a period of seven (7) years and to persons who are married to a Dominican National and who have resided in the State for a period of three (3) years.

The following security features are present in the Commonwealth of Dominica passport: "a thread in the center of the passport which glows under ultra violet light, and a watermark on all pages."

Paragraph 3

(a) Steps taken to accelerate the exchange of operational information.

An Exchange of Information Bill has been passed by Parliament. This Bill addresses some of the concerns of the international community as expressed in UNSCR 1373.

(b) Steps taken to exchange information

The **Mutual Legal Assistance in Criminal Matters Act** allows for the exchange of information between Commonwealth countries. Dominica has also signed a **Mutual Legal Assistance Treaty** with the United States of America.

(c) Steps taken to co-operate in this area.

The appropriate authorities in Dominica are willing and able to co-operate within the confines of relevant legislation.

(d) What are the intentions of the Government of the Commonwealth of Dominica regarding the signature and ratification of the convention and protocols regarding international terrorism?

Even prior to the events of September 11 the Government of the Commonwealth of Dominica had already signed and ratified two of the relevant international conventions and protocols relating to terrorism, namely,

- **International Convention Against the Taking of Hostages (1973), and the**
- **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988).**

The other Conventions are in various stages of review by relevant Government Departments.

(e) Procedures and mechanisms in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugees status.

Dominica does not have a policy on the granting of refugees status to asylum seekers. Such requests are minimal.

CONCLUSION

The Government of the Commonwealth of Dominica remains committed to the fight against international terrorism in whatever guise and wherever it occurs, and to ensuring

that the channels for funding for international terrorism and trans-national crime are permanently disabled. Every effort is therefore being made towards the successful implementation of UNSCR 1373 within the limits of our administrative capabilities.

Technical Cooperation

With respect to paragraph 1.4 of the Guidance For the Submission of Reports Pursuant to Paragraph 6 of the Security Council Resolution 1373 (2001) of September 28, 2001, regarding the identification of areas in which states require additional guidance or technical assistance in implementing the resolution, The Commonwealth of Dominica, as a small state with limited financial and technical resources, will require assistance in the implementation of some of the required counter-terrorism measures.

To strengthen the capacity of the Government of the Commonwealth of Dominica to be pro-active in the fight against terrorism, technical assistance is required in the following areas:

- Training of Police, Customs, Legal and Foreign Affairs, personnel in counter-terrorism techniques, including detection of fraudulent travel documents.
- Acquisition and maintenance of appropriate surveillance technology, information technologies, communications equipment and vehicles.
- Forensic accounting
- Intelligence analysis
- Counter terrorism intelligence and systems with emphasis on the financing component.
- Forensic science.
- Intelligence on trends in the financing of terrorism and training for Financial Intelligence Unit (FIU) Personnel.
- Review of relevant legislation and administrative protocols with a view to amending and updating them.
- Modernization of border control, immigration, and port facilities
- Review of the economic citizen program.

In addition, financial assistance may be required for the upgrading of port facilities and acquisition of equipment, increases in personnel, technical studies, and technology upgrades.

Annexes to the report of Dominica pursuant to paragraph 6 of Security Council resolution 1373 (2001)

- The Extradition Act 1981 (Chap 12:04)
- The Drug Prevention of Misuse Act 1988 (Chap. 40:07)
- The Mutual Legal Assistance in Criminal Matters Act 1990
- The Banking Act of 1991
- The Proceeds of Crime Act, 1993
- The International Business Companies Act of 1996
- The Offshore Banking Act of 1996
- The Money Laundering (Prevention) Act, 2000
- The Exchange of Information Act (2002)
- Mutual Legal Assistance Treaty with the United States of America